

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:	JOHN T. FORBIS et al.	)	
		)	
TITLE:	FENCE SYSTEM WITH	)	
	VARIABLE POSITION RAIL	)	
		)	INFORMATION DISCLOSURE
SERIAL NO.:	_____	)	STATEMENT UNDER 37 C.F.R.
		)	§ 1.97
FILED:	March 30, 2004	)	
		)	
EXAMINER:	_____	)	
		)	
ART UNIT:	_____	)	


Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Please find, pursuant to 37 C.F.R. § 1.98(a)(1), the enclosed Form PTO-1449 which contains a list of patents, publications, or other items that have come to the attention of one or more of the individuals designated in 37 C.F.R. § 1.56(c). Applicant respectfully invokes the Patent Office's obligation under 37 C.F.R. § 1.97 to consider these references and make them of record in the above-captioned application. While no representation is made that any of these references may be "prior art" within the meaning of

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I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on the date indicated above and is addressed to: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

  
Karl R. Cannon  
Attorney Registration No. 36,468  
Attorney for Applicant

that term under 35 U.S.C. §§ 102 or 103, the enclosed list of references is disclosed so as to fully comply with the duty of disclosure set forth in 37 C.F.R. § 1.56.

Moreover, while no representation is made that a specific search of office files or patent office records has been conducted or that no better art exists, the undersigned attorney of record believes that the references listed, together with any other references which may have been previously cited by or submitted to the Office, are the closest to the claimed invention (taken in its entirety) of which the undersigned is presently aware, and no art which is closer to the claimed invention (taken in its entirety) has been knowingly withheld.

In accordance with 37 C.F.R. §§ 1.97 and 1.98, a copy of each listed reference (or relevant portion thereof) which was not previously submitted to, or cited by, the Patent Office is also enclosed.

Statement of References Previously Disclosed  
Under 37 C.F.R. § 1.98(d)

The references listed on the enclosed Form PTO-1449 are not required to be provided under 37 C.F.R. § 1.98(d), and are therefore not enclosed, because they were previously cited by or submitted to the Office in application number 10/267,436, which is relied upon for an earlier filing date under 35 U.S.C. § 120.

Please charge any additional fees or credit any overpayment to  
Deposit Account No. 50-0836.

DATED this 30 day of March, 2004.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Karl R. Cannon".

Karl R. Cannon  
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PTO-1449		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTY. DOCKET NO. T7611.DIV2		SERIAL NO.	
<b>LIST OF PRIOR ART CITED BY APPLICANT</b>				APPLICANT John T. Forbis et al.			
				FILING DATE March 30, 2004		GROUP	
<b>U.S. PATENT DOCUMENTS</b>							
EXAMINER INITIALS		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA	3,712,590	01/1973	Tochner et al.			
	AB	3,955,799	05/1976	Lauzier			
	AC	4,027,855	06/1977	Lauzier			
	AD	4,188,019	02/1980	Meredith			
	AE	4,346,872	08/1982	Tornya			
	AF	4,369,953	01/1983	Greiner et al.			
	AG	4,586,697	05/1986	Tornya			
	AH	5,011,325	04,1991	Antonioli			
	AI	5,200,240	04/1993	Baker			
	AJ	5,695,174	12/1997	Tsai			
	AK	5,713,171	02/1998	Andres			
	AL	5,908,185	06/1999	Collette et al.			
	AM	6,029,954	02/2000	Murdaca			
	AN	6,508,458	01/2003	Bartlett et al.			
<b>FOREIGN PATENT DOCUMENTS</b>							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO
	AO	1098747	04/1981	Canada			
	AP	1,289,797	10/1991	Canada			
<b>OTHER PRIOR ART (Including Author, Title, Volume and/or Name of Publication, Relevant Pages and Date [as available])</b>							
	AQ		two (2) end-view photocopies of a product currently being produced and sold by Thermal Industries, Inc.				
<b>EXAMINER</b>				<b>DATE CONSIDERED</b>			
<p><b>*EXAMINER:</b> Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</p>							